

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ROBERT BENCHOFF,</b>	:	
<b>Petitioner</b>	:	<b>CIVIL ACTION NO. 3:16-1312</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>LAUREL HARRY, Superintendent,</b>	:	
<b>SCI Camp Hill, <u>et al.</u>,</b>	:	
<b>Respondents</b>	:	

**ORDER**

In accordance with the memorandum issued this same day in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Saporito, (**Doc. 22**), is **ADOPTED IN ITS ENTIRETY**.
- (2) The petitioner's objections to Judge Saporito's report, (**Doc. 26**), are **OVERRULED**.
- (3) The respondents' motion to dismiss the petition for writ of habeas corpus, (**Doc. 17**), is **GRANTED**.
- (4) The petition for writ of habeas corpus, (**Doc. 1**), is **DISMISSED** as a second or successive petition, without prejudice to the petitioner's right to seek pre-authorization from the Third Circuit under 28 U.S.C. §2244(b)(3).
- (5) The court declines to issue a certificate of appealability under 28 U.S.C. §2253, as the petitioner has failed to make

a substantial showing of the denial of a constitutional right.

- (6) The petitioner's motion for judgment on the pleadings, **(Doc. 23)**, motion for leave of court, **(Doc. 28)**, second motion for appointment of counsel, **(Doc. 30)**, and motion to conduct discovery, **(Doc. 31)**, are **DISMISSED**.
- (7) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: September 29, 2017**

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